

23730380.4

the months that followed, consistent with the email status updates that have been submitted to the Court, the parties worked collaboratively in an effort to finalize a settlement agreement. As part of this process, the mediator has provided guidance with respect to the documentation of certain terms of the settlement agreement.

2. On January 22, 2018, the parties submitted their proposed versions of the settlement agreement to the mediator. On January 31, 2018, the parties submitted a joint statement of issues to the mediator, which further described the remaining open issues that were reflected in the proposed versions and set forth a statement of support for each party's respective positions as to the open issues. Yesterday, February 4, 2018, the mediator authorized a supplemental submission by one of the parties. Once that is received, the parties understand that the mediator will assess whether there will be any additional submissions or whether the open items are ripe for a decision.

3. Once the outstanding issues are resolved, both Companion and U.S. Bank intend to finalize and execute the settlement agreement, and seek dismissal of the action.

Dated: February 5, 2018.

Respectfully submitted,

By: /s/ Adam J. Hegler
**NELSON MULLINS RILEY &
SCARBOROUGH LLP**
David E. Dukes (Fed. ID 00635)
david.dukes@nelsonmullins.com
John D. Martin (Fed. ID 7651)
john.martin@nelsonmullins.com
Amanda S. Kitts (Fed. ID 9005)
amanda.kitts@nelsonmullins.com
Adam J. Hegler (Fed. ID 11401)

By: /s/ Meliah B. Jefferson
DLA Piper LLP (US)
Michael M. Krauss (*pro hac vice*)
Peter J. Farrell (*pro hac vice*)
80 South Eighth Street, Suite 2800
Minneapolis, Minnesota 55402-2103
Phone: 612.524.3000; Fax: 612.524.3001
Email: michael.krauss@dlapiper.com
peter.farrell@dlapiper.com

23730380.4

adam.hegler@nelsonmullins.com

Frank B. B. Knowlton (Fed. ID 2379)

frank.knowlton@nelsonmullins.com

Heyward D. Bonyata (Fed. ID 10692)

heyward.bonyata@nelsonmullins.com

Post Office Box 11070

Columbia, SC 29211

(803) 255-5524 (telephone)

(803) 255-9163 (fax)

MALLOY LAW FIRM

Gerald Malloy (Fed. ID 5630)

gmalloy@bellsouth.net

108 Cargill Way

Hartsville, SC 29551

(843) 339-3000 (telephone)

(843) 332-4646 (fax)

WILLKIE FARR & GALLAGHER LLP

Todd G. Cosenza (*pro hac vice*)

tcosenza@willkie.com

Charles D. Cording (*pro hac vice*)

ccording@willkie.com

787 Seventh Avenue

New York, New York 10019

(212) 728-8000 (telephone)

(212) 728-8111 (fax)

Attorneys for Plaintiff

WYCHE, P.A.

Wallace K. Lightsey (Fed. ID 1037)

Meliah Bowers Jefferson (Fed. ID 10018)

44 East Camperdown Way

Greenville, SC 29601

Phone: (864) 242-8200; Fax: (864) 254-6544

Email: wlightsey@wyche.com

mjefferson@wyche.com

FAEGRE BAKER DANIELS LLP

Julie R. Landy (*pro hac vice*)

90 South Seventh Street, Suite 2200

Minneapolis, MN 55402-3901

Phone: (612) 766-7000; Fax: (612) 766-1600

Email: julie.landy@FaegreBD.com

Attorneys for Defendant and Third-Party

Plaintiff U.S. Bank National Association